Entered - 09/26/02 - sb CL02L0683 - DIANNE C. MITCHELL

CLAIM OF: GAILE AARON,

through her attorney, Stephanie Woodard

P. O. Box 52

Snellville, Georgia 30078

for damages alleged to have been sustained as a result of an arrest on March 22, 2002 at Crescent Avenue and 13<sup>th</sup> Street.

TITHIS ADVERSED REPORT IS APPROVED

MAR 0 3 2003

MUNICIPAL CLERK

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ROSALIND RUBENS NEWELL

ROSALIND RUBENS NEWER
DEPUTY CITY ATTORNEY

CHYCOSINGY MAR 0 3 2003

CHAIR: Norwood

Leconomy



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC MUNICIPAL CLERK

March 17, 2003

55 TRINITY AVENUE, S.W. SECOND FLOOR, EAST SUITE 2700 ATLANTA, GEORGIA 30335 (404) 330-6033 FAX (404) 658-6103

Stephanie Woodward Attorney at Law P.O. Box 52 Snellville, GA 30078

03-R-0255

RE: Gaile Aaron

Dear Attorney Woodward:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on March 03, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC

Municipal Clerk

cc: Claims Division/Law Department

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. <u>02L0683</u> Date: <u>February 6, 2003</u>
Claimant /VictimGAILE AARON
DV. (Attr) Stanbaria Wandard
Address: P. O. Box 52, Snellville, Georgia 30078
Subrogation: Claim for Property damage \$ Rodily Injury \$ 250 000 00
Subrogation: Claim for Property damage \$ Bodily Injury \$ _250,000.00  Date of Notice: 09/24/02
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 03/22/02 Place: Crescent Avenue and 13th Street
Dengatment Police Rureau:
Department Police Bureau: Employee involved Disciplinary Action:
Disciplinary Action.
NATURE OF CLAIM: The claimant alleges she was the victim of excessive force when she was arrested for a traffic violation by Atlanta police. The City is immune from liability as set forth in O.C.G.A. §§36-33-1 & 3.
INVESTIGATION:
Statements: City employee Claimant Others Written Oral
Oldinalit Bilver
BASIS OF RECOMMENDATION:
Function: Governmental X Ministerial
Function: Governmental X Ministerial More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Repair/replacement by Ins. CoRepair/replacement by City ForcesClaimant NegligentCity NegligentJointClaim Abandoned
Respectfully submitted,
Dan Ameline
I much the
INVESTIGATOR - DIANNE C. MITCHELL
RECOMMENDATION:
Pay \$ Adverse X Account/charged: 1A01 2J01 2H01 2P01
Claims Manager: Concur/date Concur/date 02 06 03
Committee Action: Council Action
FORM 23-61

## Atlanta City Council

Regular Session

CONSENT 1 Pgs. 1-11: Except 03-R-0321;

Adopt

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0

ABSENT 0

NVSmithYArchibongYMooreYMitchellYStarnesYFauverYMartinNVNorwoodYYoungYShookYMaddoxYWillisYWinslowYMullerNVBoazmanNVWoolard

Items Adopted on the Consent Agenda         Items Adversed on the Consent Agenda           1. 03-O-0154         32. 03-R-0244           2. 03-O-0155         33. 03-R-0246           3. 03-O-0156         34. 03-R-0247           4. 03-O-0157         35. 03-R-0248           5. 03-O-0158         36. 03-R-0259           6. 03-O-0159         36. 03-R-0250           7. 03-O-0227         37. 03-R-0251           8. 03-O-0230         38.03-R-0252           9. 03-O-0231         39. 03-R-0253           10. 03-O-0278         40. 03-R-0254           11. 03-R-0232         41. 03-R-0255           12. 03-R-0285         42. 03-R-0256           13. 03-R-0216         43. 03-R-0257           14. 03-R-0222         44. 03-R-0258           15. 03-R-0309         45. 03-R-0258           15. 03-R-0309         45. 03-R-0260           17. 03-R-0283         47. 03-R-0261           18. 03-R-0226         46. 03-R-0262           19. 03-R-0237         50. 03-R-0264           21. 03-R-0238         51. 03-R-0265           22. 03-R-0239         52. 03-R-0266           23. 03-R-0240         53. 03-R-0266           24. 03-R-0241         54. 03-R-0269           26. 03-R-0243         56. 03-R-0270	3/03/03 FULL COUNCIL	MEETING
Consent Agenda       Agenda         1. 03-O-0154       32. 03-R-0244         2. 03-O-0155       33. 03-R-0246         3. 03-O-0156       34. 03-R-0247         4. 03-O-0157       35. 03-R-0248         5. 03-O-0158       36. 03-R-0249         6. 03-O-0159       36. 03-R-0250         7. 03-O-0227       37. 03-R-0251         8. 03-O-0230       38.03-R-0252         9. 03-O-0231       39. 03-R-0253         10. 03-O-0278       40. 03-R-0253         11. 03-R-0232       41. 03-R-0255         12. 03-R-0285       42. 03-R-0256         13. 03-R-0216       43. 03-R-0257         14. 03-R-0222       44. 03-R-0258         15. 03-R-0309       45. 03-R-0258         15. 03-R-0226       46. 03-R-0259         16. 03-R-0283       47. 03-R-0261         18. 03-R-0284       48. 03-R-0262         19. 03-R-0237       50. 03-R-0263         20. 03-R-0239       52. 03-R-0266         23. 03-R-0240       53. 03-R-0267         24. 03-R-0241       54. 03-R-0269         25. 03-R-0245       57. 03-R-0269         26. 03-R-0245       57. 03-R-0271         28. 03-R-0279       58. 03-R-0272	Items Adopted on the	Items Adversed on the Consent
2. 03-O-0155 3. 03-R-0246 3. 03-O-0156 4. 03-O-0157 5. 03-O-0158 5. 03-O-0159 6. 03-O-0159 7. 03-O-0227 8. 03-O-0230 9. 03-O-0231 10. 03-O-0231 11. 03-R-0252 11. 03-R-0255 12. 03-R-0285 13. 03-R-0256 13. 03-R-0256 13. 03-R-0266 17. 03-R-0284 48. 03-R-0261 18. 03-R-0284 49. 03-R-0266 19. 03-R-0237 20. 03-R-0238 21. 03-R-0239 22. 03-R-0239 23. 03-R-0240 24. 03-R-0268 25. 03-R-0244 26. 03-R-0245 27. 03-R-0245 28. 03-R-0246 29. 03-R-0244 21. 03-R-0239 22. 03-R-0240 23. 03-R-0241 24. 03-R-0245 25. 03-R-0245 26. 03-R-0245 27. 03-R-0245 28. 03-R-0246 29. 03-R-0241 29. 03-R-0248 29. 03-R-0249 29. 03-R-0249 29. 03-R-0249 29. 03-R-0249 29. 03-R-0240 29. 03-R-024	Consent Agenda	
3. 03-O-0156 4. 03-O-0157 5. 03-O-0158 5. 03-O-0158 6. 03-O-0159 7. 03-O-0227 8. 03-O-0227 8. 03-O-0230 9. 03-O-0231 10. 03-O-0278 11. 03-R-0251 12. 03-R-0255 13. 03-R-0255 14. 03-R-0255 15. 03-R-0285 15. 03-R-0266 17. 03-R-0283 18. 03-R-0260 17. 03-R-0284 18. 03-R-0260 17. 03-R-0283 18. 03-R-0266 19. 03-R-0284 11. 03-R-0284 11. 03-R-0285 12. 03-R-0285 13. 03-R-0266 14. 03-R-0266 15. 03-R-0266 17. 03-R-0283 18. 03-R-0266 19. 03-R-0284 19. 03-R-0265 20. 03-R-0237 20. 03-R-0266 21. 03-R-0266 22. 03-R-0239 25. 03-R-0266 25. 03-R-0240 26. 03-R-0241 27. 03-R-0245 28. 03-R-0249 26. 03-R-0245 27. 03-R-0245 28. 03-R-0279 28. 03-R-0279 28. 03-R-0277 28. 03-R-0277 28. 03-R-0277 28. 03-R-0277 29. 03-R-0245 29. 03-R-0247 29. 03-R-0245 29. 03-R-0247 29. 03-R-0249 29. 03-R-0279 29. 03-R-0255 20. 03-R-0279 29. 03-R-0255 29. 03-R-0259 29. 03-R-0259 29. 03-R-0259 29. 03-R-0259 29. 03-R-02	1. 03-O-0154	32. 03-R-0244
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62. 03-R-0276		
63. 03-R-0277		63. 03-R-0277

Consent I Vote: 12Yeas; 0 Nays: (See RCS #4504) Item Removed from the Consent Agenda: 03-R-0321